

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 22, 2001**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B139623 Dow v. Toyota Motor Sales, USA., Inc.

B142886 Carlton v. D'Alessandro

B145185 D.C.F.S. v. Josephine D.

B146016 D.C.F.S. v. Darlene W.

B151274 Gary C. v. S.C.L.A. (D.C.F.S.)

B151321 Lonnie T. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B148072      TRU Properties, Inc.  
                 v.  
                 The Price Reit, Inc.

Merits:

Argued by Richard C. Greenberg for appellant and by T. Kevin Rosevelt for respondent. Cause submitted.

B144071      In re William Scott Roberts on Habeas Corpus

Merits:

Argued by Murray A. Rosenberg for petitioner and by Michael A. Katz, deputy attorney general, for respondent. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B139096      Patriot Homes-Fresno et al.  
                 v.  
                 United Capital Insurance Company

Merits:  
Argued by George Knopfler for appellants and by Karen-Denise Lee for respondent. Cause submitted.

Mallano, J. returns to the bench.

B140854      Law  
                 v.  
                 City of Los Angeles

Merits:  
Argued by James Kropff for appellant and by Amy Jo Field, deputy city attorney, for respondent. Cause submitted.

Ortega, J. leaves the bench.

B141649      Wagner, etc., et al.  
                 v.  
                 City of South Pasadena et al.

Merits:  
Argued by Richard I. Fine for appellants and by Joseph W. Pannone for respondents. Cause submitted.

Ortega, J. returns to the bench.

B146147      Lockhart et al.  
                 v.  
                 KMART Corporation

Merits:  
Argued by Kirk C. Jenkins for appellant and by John H. Wolf for respondents. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B149512     Ward et al.  
              v.  
              Superior Court, Los Angeles County  
              (Albertson's Inc., et al., r.p.i.)

Merits:

Argued by Robert A. Cantore for petitioners and by Brian F. Van Vleck for  
real party in interest. Cause submitted.

Ortega, J. returns to the bench.

Spencer, P.J. leaves the bench.

B137871     Merrill Lynch, Pierce, Fenner & Smith Incorporated et al.  
              v.  
              Manatt, Phelps & Phillips et al.

Merits:

Argued by Darryl Snider for appellants, by Larry Feldman for respondent  
Manatt, Phelps & Phillips and by Douglas L. Thorpe for respondent Mark  
Eastman. Cause submitted.

Court adjourned.

B141040     People  
              v.  
              Elam

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

[illegible]

The appeal is dismissed. Appellant shall pay costs of the appeal.

McKnew, J. (Assigned)

We concur:   Nott, Acting P.J.  
                      Todd, J.

[illegible]

Appellant's appeal from summary judgment is without merit. His former employer had a legitimate business reason for terminating Lebon and appellant's numerous other claims are defeated by several defenses asserted by respondents. The judgment is affirmed. Appellant shall pay costs of appeal.

McKnew, J. (Assigned)

We concur:   Boren, P.J.  
                      Todd, J.

DIVISION FOUR

B145291      Ladjevardi      (Not for Publication)  
v.  
Playa Palmeras, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FOUR (Continued)

B149998      Humphrey                                      (Certified for Publication)  
                         v.  
                         Appellate Division of the Superior Court of Los Angeles  
                         (The People, r.p.i.)

We deem this to be a proceeding in mandamus, and grant a peremptory writ of mandate. The appellate division is directed to vacate its April 11, 2001, decision and order certifying its opinion for publication, and to enter a new order granting the petition for writ of prohibition.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                         Epstein, J.

B137078      Polin  
                         v.  
                         Benjamin

Filed order denying petition for rehearing.

B120239      Horrigan  
                         v.  
                         Kindel & Anderson

Filed order denying petition for rehearing.

DIVISION SIX

B147610      People    (Not for Publication)  
                         v.  
                         Alamillo

The judgment is affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                         Perren, J.

DIVISION SEVEN

B142396      Fraizer      (Certified for Publication)  
v.  
Velkura

The judgment is reversed. Appellant(s) to recover costs.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

## DIVISION SEVEN (Continued)

B143633 People (Not for Publication)  
v.  
Franco

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.  
Boland, J. (Assigned)

B144158 People (Not for Publication)  
v.  
Salazar

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Boland, J. (Assigned)

B145481      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Mary S.  
In re Valerie S., a minor

The order is affirmed.

Lillie, P.J.

I concur: Boland, J. (Assigned)  
I concur: Johnson, J. (Opinion)

## DIVISION SEVEN (Continued)

B145617      People                                  (Not for Publication)  
v.  
Keydra C., a minor

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Boland, J. (Assigned)

B150162      In re Willis W., a minor      (Not for Publication)  
                  Bobby W.  
                  v.  
                  Superior Court, Los Angeles County  
                  (D.C.F.S., Los Angeles County, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B138581      Del Rio      (Not for Publication)  
v.  
KMart Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

I concur: Boland, J. (Assigned)  
I concur and dissent: Johnson, J. (Opinion)



DIVISION SEVEN (Continued)

B146197      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Latonya B.  
In re Vyctoria F., a minor

The order appealed from is affirmed.

Lillie, P.J.

We concur:    Woods, J.  
                     Boland, J. (Assigned)

B138072      Seaspan, Inc.                              (Not for Publication)  
v.  
Biggs et al.

The judgment, as modified by the trial court's order of October 12, 1999, is affirmed. Respondent to recover its costs on appeal.

Lillie, P.J.

We concur:    Johnson, J.  
                     Boland, J. (Assigned)

B139301      Universal Studios                      (Not for Publication)  
v.  
Aetna Casualty & Surety

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur:    Woods, J.  
                     Boland, J. (Assigned)

## DIVISION SEVEN (Continued)

B141500      People                                  (Not for Publication)  
v.  
Rick A. Johnson

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.  
Woods, J.

B144798      People      (Not for Publication)  
v.  
Robert Earl Willis

The judgment is affirmed. The court is directed to issue an amended abstract of judgment consistent with its oral proceedings.

Boland, J. (Assigned)

We concur: Lillie, P.J.  
Johnson, J.

B144614      People      (Not for Publication)  
v.  
Samuel Anthony Acinelli, Jr.

The portion of the judgment relating to Appellant's conviction on count 3 is reversed. In all other respects, the judgment is affirmed. Superior Court is directed to cause its clerk to correct the error in its abstract of judgment and to specifying a parole revocation restitution fine of \$200.00.

Boland, J. (Assigned)

We concur: Lillie, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B140784      Joseph Dibuduo                      (Not for Publication)  
                 v.  
                 Southern California Edison et al.

The judgment is affirmed. Respondent(s) to recover costs.

Boland, J. (Assigned)

We concur:   Lillie, P.J.  
                 Woods, J.

B144448      Stacy Diane Copeland                      (Not for Publication)  
                 v.  
                 Rahim Javan

The judgment is reversed. Javan is entitled to costs on appeal.

Boland, J. (Assigned)

We concur:   Lillie, P.J.  
                 Woods, J.

B143228      Orenzo Cheeks                              (Not for Publication)  
                 v.  
                 California Fair Plan Association

The judgment is reversed and the matter remanded to the trial court with directions to vacate its order confirming the appraisal award and to conduct further proceedings consistent with this opinion.

Cheeks is entitled to costs on appeal.

Boland, J. (Assigned)

We concur:   Lillie, P.J.  
                 Johnson, J.

DIVISION SEVEN (Continued)

B144745      Anne Miller      (Not for Publication)

v.

Los Angeles Department of Transportation

The judgment is affirmed. Respondent(s) to recover costs.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.

Woods, J.

B136925      In re Eugene Penesa on Habeas Corpus      (Not for Publication)

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.

Johnson, J.